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REMARKS

Claims 1-12, 21-36 and 38 are pending. Claims 1-12 and 21-36 were rejected under 35 U.S.C. § 102(e). Claim 38 was rejected under 35 U.S.C. § 103(a).

Rejections Under 35 U.S.C. § 102 (e)

Claims 1-12 and 21-36 were rejected under 35 U.S.C. § 102 (e) as being anticipated by U. S. Patent Application Number 2002/0021711 issued to Gummalla et al. dated February 21, 2002 in view of U. S. Patent Application Number 2001/0053152 issued to Sala dated December 20, 2001, which is incorporated in Gummalla by reference.

Applicants have avoided this ground of rejection for the following reasons.

Applicants' claim 1, as amended, now recites,

sending one or more upstream signals as pulse code modulated data without packet headers using an upstream cable protocol, wherein at least one of the one or more upstream signals is a video signal;

sending one or more downstream signals as pulse code modulated data without packet headers using a downstream cable protocol; and

enclosing the one or more downstream signals as the pulse code modulated data without application-level packet headers in a Motion Pictures Experts Group (MPEG) transport.

Gummalla does not teach this limitation. This is because Gummalla discloses "In general, voice channel transmits the raw data without any headers." as stated in paragraph 0054. Gummalla does not disclose video signals as pulse code modulated data without packet headers. Applicants note that Sala does not teach the limitation either. Thus, Gummalla in view of Sala is missing the "sending one or more upstream signals as pulse code modulated data without packet headers using an upstream cable protocol, wherein at least one of the one or more upstream signals is a video signal" elements, as recited in applicants' claim 1.

Therefore Gummalla does not teach all of the limitations in applicants' claim 1, and therefore claim 1 is not anticipated by Gummalla. Since claims 2-12 depend from allowable claim 1, these claims are also allowable over Gummalla.

Independent claims 21 and 28 each have a limitation similar to that of independent claim 1, which was shown is not taught by Gummalla. For example, claim 21 recites, "transporting downstream signals as the PCM data without packet headers over a cable media using a downstream cable protocol, wherein at least one of the downstream signals is a video signal" and claim 28 recites "wherein the transport device transports downstream signals enclosed as the pulse code modulated data without application-level packet headers in a Motion Pictures Experts Group (MPEG) transport, and wherein at least one of the downstream signals is a video signal". Gummalla does not teach these limitations for the above-mentioned reasons. Therefore, claims 21 and 28 are likewise allowable over Gummalla. Since claims 22-27 depend from claim 21, and claims 29-36 depend from claim 28, these dependent claims are also allowable over Gummalla.

Rejections Under 35 U.S.C. § 103 (a)

Claim 38 was rejected under 35 U.S.C. § 103 (a) as being unpatentable over U. S. Patent Application Number 2002/0021711 issued to Gummalla et al. dated February 21, 2002 in view of U. S. Patent Number 7,164,690 issued to Limb et al. on January 16, 2007.

Applicants respectfully traverse this ground of rejection.

Claim 38 depends from claim 1. Gummalla does not teach or suggest "sending one or more upstream signals as pulse code modulated data without packet headers using an upstream cable protocol, wherein at least one of the one or more upstream signals is a video signal", as recited in claim 1. Limb does not teach or suggest the elements either. Thus, claim 38 is allowable over the proposed combination under 35 U.S.C. § 103 (a).

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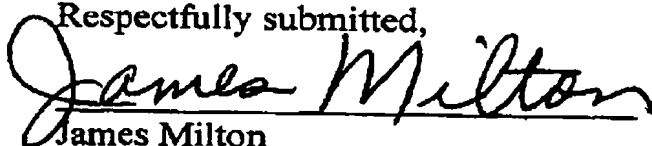
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Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are therefore, respectfully solicited.

In view of the above amendments and remarks, allowance of all claims pending is respectfully requested. If a telephone conference would be of assistance in advancing the prosecution of this application, the Examiner is invited to call applicants' attorney.

Respectfully submitted,



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